

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 83

BY SENATORS TAKUBO AND PHILLIPS

[Originating in the Committee on Health and Human
Resources; reported on January 13, 2023]

1 A BILL to amend and reenact §30-29-3 of the Code of West Virginia, 1931, as amended; and to
2 amend said code by adding thereto a new article, designated §30-43-1, §30-43-2, and
3 §30-43-3, all relating to tactical medical professionals; defining terms; authorizing to carry
4 firearms; training and certification requirements; and protecting from civil or criminal
5 liability.

Be it enacted by the Legislature of West Virginia:

§30-29-3. Duties of the subcommittee.

1 (a) The subcommittee shall, by or pursuant to rules proposed for legislative approval in
2 accordance with §29A-3-1 *et seq.* of this code:

3 (1) Provide funding for the establishment and support of law-enforcement training
4 academies in the state;

5 (2) Establish standards governing the establishment and operation of the law-enforcement
6 training academies, including regional locations throughout the state, in order to provide access
7 to each law-enforcement agency in the state in accordance with available funds;

8 (3) Establish minimum law-enforcement instructor qualifications;

9 (4) Certify qualified law-enforcement instructors;

10 (5) Maintain a list of approved law-enforcement instructors;

11 (6) Promulgate standards governing the training, firearms qualification, and initial and
12 ongoing professional certification of law-enforcement officers and the entry-level, law-
13 enforcement training curricula. These standards shall require satisfactory completion of a
14 minimum of 800 classroom hours as promulgated by legislative rule and shall provide that the
15 required classroom hours shall be accumulated on the basis of a full-time curricula;

16 (7) Establish standards governing in-service, law-enforcement officer training curricula
17 and in-service supervisory level training curricula;

18 (8) Certify organized criminal enterprise investigation techniques with a qualified anti-racial
19 profiling training course or module;

(9) Establish standards governing mandatory training to effectively investigate organized criminal enterprises as defined in §61-13-1 *et seq.* of this code while preventing racial profiling, as defined in §30-29-10 of this code, for entry-level training curricula and for law-enforcement officers who have not received such training as certified by the subcommittee as required in this section;

(10) Establish procedures for implementation of a course in investigation of organized criminal enterprises which includes an anti-racial training module to be available on the Internet or otherwise to all law-enforcement officers. The procedures shall include the frequency with which a law-enforcement officer shall receive training in investigation of organized criminal enterprises and anti-racial profiling and a time frame for which all law-enforcement officers must receive such training: *Provided*, That all law-enforcement officers in this state shall receive such training no later than July 1, 2012. In order to implement and carry out the intent of this section, the subcommittee may promulgate emergency rules pursuant to §29A-3-15 of this code;

(11) Certify or decertify or reactivate law-enforcement officers, as provided in §30-29-5 and §30-29-11 of this code;

(12) Establish standards and procedures for the reporting of complaints and certain disciplinary matters concerning law-enforcement officers and for reviewing the certification of law-enforcement officers. These standards and procedures shall provide for preservation of records and access to records by law-enforcement agencies and conditions as to how the information in those records is to be used regarding an officer's law-enforcement employment by another law-enforcement agency:

(A) The subcommittee shall establish and manage a database that is available to all law-enforcement agencies in the state concerning the status of any person's certification.

(B) Personnel or personal information not resulting in a criminal conviction is exempt from disclosure pursuant to the provisions of chapter 29B of this code;

(13) Seek supplemental funding for law-enforcement training academies from sources

other than the fees collected pursuant to §30-29-4 of this code;

(14) Any responsibilities and duties as the Legislature may, from time to time, see fit to direct to the subcommittee;

(15) Establish standards and procedures for initial and ongoing training for law-enforcement officers responsible for investigating sexual assault cases involving adult victims. This training shall include instruction on:

(A) The neurobiology of trauma;

(B) Trauma-informed interviewing; and

(C) Investigative techniques;

(16) Submit, on or before September 30 of each year, to the Governor, the Speaker of the House of Delegates, the President of the Senate, and, upon request, to any individual member of the Legislature, a report on its activities during the previous year, and an accounting of funds paid into and disbursed from the special revenue account established pursuant to §30-29-4 of this code;

(17) Develop and promulgate rules for state, county, and municipal law-enforcement officers, law-enforcement agencies, and communications and emergency operations centers that dispatch law-enforcement officers with regard to the identification, investigation, reporting, and prosecution of suspected child abuse and neglect: *Provided*, That such rules and procedures must be consistent with the priority criteria prescribed by, generally, applicable department procedures; and

(18) Make recommendations to the Governor's Committee on Crime, Delinquency, and Correction for legislation related to the subcommittee's duties and responsibilities, or for research or studies by the Division of Administrative Services on topics related to the subcommittee's duties and responsibilities.

(19) Promulgate standards governing the training, firearms qualification, and initial and ongoing professional certification of a tactical medical professional, as defined in §30-31-1 of this

code, on or before January 1, 2024. This training program shall include awarding a certificate upon successful completion of the program that qualifies the tactical medical professional to carry a firearm while on duty.

(b) In addition to the duties authorized and established by this section, the subcommittee may:

(1) Establish training to effectively investigate human trafficking offenses as defined in §61-2-1 *et seq.* of this code for entry-level training curricula and for law-enforcement officers who have not received such training as certified by the committee as required by this section; and

(2) Establish procedures for the implementation of a course in investigation of human trafficking offenses. The course may include methods of identifying and investigating human trafficking and methods for assisting trafficking victims. In order to implement and carry out the intent of this subdivision, the committee may promulgate emergency rules pursuant to §29A-3-15 of this code.

(c) Notwithstanding any provision of this code to the contrary, the subcommittee may deny an application for the establishment of a new law-enforcement training academy if it is determined by the subcommittee that no actual need exists for the establishment of additional law-enforcement training academies to meet the needs of existing law-enforcement agencies in the state.

ARTICLE 43. TACTICAL MEDICAL PROFESSIONALS.

§30-43-1. Definitions.

"Tactical medical professional" means a person who is an emergency medical service personnel, as defined in §16-4C-1 *et seq.* of this code, a nurse as defined in §30-7-1 *et seq.* of this code, a physician as defined in §30-3-4 or §30-14-1 *et seq.* of this code, or a physician assistant licensed pursuant to §30-3E-1 *et seq.* of this code, who is trained and certified in a nationally recognized tactical medical training program that is equivalent to "tactical combat casualty care" and "tactical emergency medical support" and who functions in the tactical or

austere environment while attached to a law-enforcement agency of either this state or a political subdivision of this state.

§30-43-2. Tactical medical professional may carry firearm.

(a) A tactical medical professional may carry firearms while on duty in the same manner, to the same extent, and in the same areas as a law-enforcement officer of the law-enforcement agency the professional is serving, if:

(1) The law-enforcement agency that the tactical medical professional is serving has specifically authorized the professional to carry firearms while on duty;

(2) The tactical medical professional has been awarded a certificate by the Law-Enforcement Professional Standards Subcommittee of the Governor's Committee on Crime, Delinquency and Correction as provided for in §30-29-2 of this code, which certificate attests to satisfactory completion of law-enforcement training program that qualifies the tactical medical professional to carry firearms while on duty.

§30-43-3. Tactical medical professional protection from civil or criminal liability.

A tactical medical professional to whom this article applies and who is carrying one or more firearms under authority of this article has protection from potential civil or criminal liability for any conduct occurring while carrying the firearm or firearms to the same extent as a law-enforcement officer of the law-enforcement agency the tactical medical professional is serving has such protection.